

ACR372
OPER: DEC
PAGE: 1ALABAMA JUDICIAL INFORMATION SYSTEM
CASE ACTION SUMMARY
CIRCUIT CRIMINALCASE: CC 2003 000464.00
RUN DATE: 04/09/2003
JUDGE: TMH

IN THE CIRCUIT COURT OF MONTGOMERY

STATE OF ALABAMA

VS SMITH DELAND

CASE: CC 2003 000464.00

1116 HUTCHINSON STREET

MONTGOMERY, AL 36104 0000

DOB: 02/17/1984

SEX: M RACE: B HT: 6 03 WT: 190 HR: EYES:

SSN: 421216501 ALIAS NAMES:

CHARGE01: MURDER CAPITAL

CODE01: CMUR LIT: MURDER CAPITAL TYP: F # 001

CHARGE02: CONSPIRACY -MURDER

CODE02: MURDC TYP: F # 001

CHARGE03: CONSPIRACY -MURDER

CODE03: MURDC TYP: F # 001

CHARGE04: ROBBERY 1ST

CODE04: ROB1 TYP: F # 001

CHARGE05: ROBBERY 1ST

CODE05: ROB1 TYP: F # 001

CHARGE06: ATTEMPT - MURDER

CODE06: MURDA TYP: F # 001

CHARGE07: CONSPIRACY -ROBBERY

CODE07: ROB1C TYP: F # 001

CHARGE08: CONSPIRACY -ROBBERY

CODE08: ROB1C TYP: F # 001

OFFENSE DATE: 09/03/2001

AGENCY/OFFICER: 0030100

DATE WAR/CAP ISS:

DATE ARRESTED: 04/09/2003

DATE INDICTED: 06/05/2002

DATE FILED: 04/09/2003

DATE RELEASED:

DATE HEARING:

BOND AMOUNT: \$.00

SURETIES:

DATE 1: DESC: TIME: 0000
DATE 2: 04/17/2003 DESC: ARRG TIME: 0130 P

TRACKING NOS: GJ 2002 060619 00

DEF/ATY: Goggans (A), Reed (B) TYPE: Appointed

TYPE:

00000

00000

PROSECUTOR: Ellen Brooks

Sept 22/

OTH CSE: GJ200206061900 CHK/TICKET NO: 2001F-1387
COURT REPORTER: SID NO: 000000000

GRAND JURY: 619

DEF STATUS: JAIL

DEMAND:

OPER: DEC

DATE ACTIONS, JUDGEMENTS, AND NOTES

4-9-03 V DEF IN JAIL 4/8/03

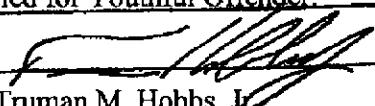
NEED 72 HR HEARING
PURSUANT TO:The Court appoints Thomas Goggans
as 1st Chair and Joe Reed as
2nd Chair to represent Defendant
after having been found indigent

4-14-03

Motion For Approval Of Expenses

4-14-03 Order granting mo for Approval of Expenses



State of Alabama Unified Judicial System Form C-7 Rev 2/79		CASE ACTION SUMMARY CONTINUATION		Case Number CC-03-464 TMH
Style: <u>Delano Smith</u>		Page Number <u>2</u> of <u> </u> Pages		
DATE	ACTIONS, JUDGMENTS, CASE NOTES			
4-14-03	<p>This matter was before the Court for Arraignment of Capital Murder. Present in Court at the date and time scheduled was Defendant and his attorney, Joe Reed, and the State was represented by Daryl Bailey and Michael Kidd.</p> <p>Mr. Bailey read the Indictment to Defendant and he entered a plea of Not Guilty to all counts of the Indictment. Mr. Kidd request a Mental Evaluation to be performed on Defendant and the Court Orders a Mental Evaluation.</p> <p>Defendant is to be applied for Youthful Offender.</p> 			
				Truman M. Hobbs, Jr. Circuit Judge
4-21-03	<p>Mo Relating To Criminal Records of Jurors Obtained Through Use of Prosecution Computer Powers</p>			
4-21-03	<p>Mo Yo Permit Discovery of Records + Files Pertaining to Case</p>			
4-21-03	<p>Def's Objection To mental Exam (this)</p>			
4-21-03	<p>Mo Yo Facilitate Control of Publicity</p>			
5-22-03	<p>motion Yo Set Trd</p>			
4-24-03	<p>motion Yo Dismiss</p>			
4-25-03	<p>motion For Notice of intention Yo Rely Upon Other Acts Evidence</p>			
5-22-03	<p>State's Motion For Discovery</p>			
5-30-03	<p>Order On Motions</p>			
7/25/03	<p>Motion Dismiss Regarding Improper Prosecution Arguments</p>			
✓				

ACR0369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: CC 2003 000464.00
JUDGE ID: TMH

STATE OF ALABAMA VS SMITH DELAND

DATE ACTION, JUDGMENTS, CASE NOTES

7/25/03 Motion to preclude any statements or instructions that Jury findings on Punishment are advisory and not binding on Court

7/25/03 Motion for Limine Regarding Self-Representations of Prosecutors

7-31-03 Objection to Television Pictures Or Photographs in Or of the Courtroom During The Progress of Judicial Proceedings

7-31-03 Motion for Attorney Conducted Voir Dire

8-1-03 Motion to Extend Discovery Date

8-1-03 Motion for Individual Voir Dire

8-1-03 Objection to Death Penalty

8/13/03 State's Response to Def's objection to Death penalty

8-19-03 Motion for Limine Regarding Self-Representations of Prosecutors Granted

8-19-03 Motion to Extend Discovery Date Granted

8-19-03 Motion for Limine Regarding Unprepared Prosecutor Arguments Denied

8-19-03 Motion for Individual Voir Dire Granted

8-19-03 MOTION TO NOKE PROSQUI

8-19-03 Order Signed 8-19-03 Granting MOTION TO NOKE PROSQUI

8/28/03 Notice of intent to offer (404(b)) Evidence.

Unified Judicial System		CASE ACTION SUMMARY		cc-03-464
Form C-7	Rev 2/79	CONTINUATION		JMH
Style: STATE OF ALABAMA VS. <u>Delano Smith</u>		Page Number	of	Pages
DATE	ACTIONS, JUDGMENTS, CASE NOTES			
5/23/03	Y.O.A - GRANTED/DENIED Defendant's Motion <i>(see Order)</i> to withdraw YO application Granted			
8/19/03	state's Motion/Nolle Prossse Count(s) <u>2,5,6,7,8</u> Granted			
/ /	State's Motion To Dismiss Count(s) _____ Granted			
/ /	State's Motion To Amend Count _____ to _____ Granted			
9/11/03	<p>The Defendant is before the Court and is represented. The Court on record fully explained all Constitutional rights. The Court is convinced that Defendant comes into court voluntarily and understands all his rights. Exhibit A is signed by Defendant and counsel and the record affirmatively shows colloquy between the Judge and Defendant and that Defendant fully and completely understands he is waiving his Constitutional rights and other effects of a guilty plea and the consequences thereof and the sentence that could be imposed. Upon the conclusion of said colloquy the Court accepts the guilty plea and finds Defendant guilty and enters a judgment of guilt to the charge of Ct 1 - Cap Murder, <u>Ct 3 - Art Murder, + Ct 4 Robbery</u> </p>			
	Notice of HOA/Drug/Weapon Enhancements given _____			
	P.S.I. ORDERED / WAIVED			
	<p>Sentencing date is <u>9-22-03</u> at <u>8:30 a.m.</u></p> <p><u>Truman M. Hobbs, Jr.</u> CIRCUIT JUDGE</p> <p><u>Judy Shelton, OCR</u></p>			
9-22-03	Trial; <u>Judy Shelton, OCR</u>			
9-22-03	<p>JUDGEMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE VERDICT OF THE JURY.</p> <p><u>Circuit Judge</u></p>			

State of Alabama Unified Judicial System Form C-7 Rev 2/79		CASE ACTION SUMMARY CONTINUATION		Case Number <u>CC-03-464 TMH</u>
Style: <u>DeShawn Smith</u>		Page Number _____ of _____ Pages		
DATE	ACTIONS, JUDGMENTS, CASE NOTES			
	<u>Court I</u>			
9-22-03 <i>Def 10/3 9/29 Comp</i>	<p>Defendant & attorney appeared for sentencing. Court asked if he/she had anything to say why sentence should not now be pronounced and Defendant had his/her say.</p> <p>HOA Enhancements Applicable Yes <input checked="" type="checkbox"/> No Defendant Admits _____ State Proves _____ priors</p> <p><u>IT IS ORDERED:</u> <i>Life without parole</i> Sentenced to _____ yrs./split to serve _____ yrs. reverse split postpone _____ mo./year Review _____ Concurrent _____ Consecutive _____</p> <p>Suspended YES/NO Supervised/P.O/Court Probation _____ years End of Split Sentence _____ years supervised probation DOC to give 60 day notice prior to E.O.S.</p> <p>ENHANCEMENTS \$1000/2000 Enhancement Fine ____ Remit portion completion of SAP ____ Driver License suspended/revoked 6 mo/ ____ \$100 DFS fee _____ \$100 Head Injury _____ ____ years School/ _____ years Public Housing ____ years Sale under 18</p> <p>Boot Camp _____ SAP _____ Review upon completion-YES _____ GED _____ Work Release _____ Community Service _____ hrs. Trash Pickup _____ hr</p> <p><u>OTHER:</u></p> <p>Restitution \$35481.38 Co-Defendant(s) _____ Jointly and Severally liable Crime Victim \$25.00/<u>\$50.00</u> Court Costs <input checked="" type="checkbox"/> Attorney Fees \$150.00/<u>Submit</u> Fine \$ _____ Payment \$ _____ Mo/Week Begin _____/03 or 1/2 monies earned _____</p> <p>Review/Other _____</p> <p>Defendant advised right to appeal yes <input checked="" type="checkbox"/> no unless reserve issue or withdraw plea; Defendant to be given credit for time served. Appeal Bond set \$ _____</p>			


TRUMAN M. HOBBS, JR.
CIRCUIT JUDGE

State of Alabama Unified Judicial System Form C-7	CASE ACTION SUMMARY CONTINUATION	Case Number CC-03-464 TMH
Style: <u>Dulane Smith</u>		Page Number _____ of _____ Pages
DATE	ACTIONS, JUDGMENTS, CASE NOTES	
9.22.03	<p><u>Court 3</u></p> <p>Defendant & attorney appeared for sentencing. Court asked if he/she had anything to say why sentence should not now be pronounced and Defendant had his/her say.</p> <p>HOA Enhancements Applicable Yes/No Defendant Admits _____ State Proves _____ priors</p> <p>IT IS ORDERED:</p> <p>Sentenced to <u>Life yrs.</u> /split to serve _____ yrs. reverse split postpone _____ mo./year Review _____ Concurrent _____ Consecutive _____</p> <p>Suspended YES/NO Supervised/P.O/Court Probation _____ years End of Split Sentence _____ years supervised probation DOC to give 60 day notice prior to E.O.S.</p> <p>ENHANCEMENTS \$1000/2000 Enhancement Fine Remit portion completion of SAP Driver License suspended/revoked 6 mo/ \$100 DFS fee _____ \$100 Head Injury _____ years School/ _____ years Public Housing _____ years Sale under 18</p> <p>Boot Camp _____ SAP _____ Review upon completion-YES _____ GED _____ Work Release _____ Community Service _____ hrs. Trash Pickup _____ hrs</p> <p>OTHER:</p> <p>Restitution \$ _____ Co-Defendant(s) _____ Jointly and Severally liable Crime Victim \$25.00/\$50.00 Court Costs _____ Attorney Fees \$150.00/ _____ Fine \$ _____ Payment \$ _____ Mo/Week Begin _____ /03 or 1/2 monies earned _____</p> <p>Review/Other _____</p> <p>Defendant advised right to appeal yes/no unless reserve issue or withdraw plea; Defendant to be given credit for time served. Appeal Bond set \$ _____</p> <p style="text-align: right;"><i>[Handwritten Signature]</i></p> <p style="text-align: center;">TRUMAN M. HORBS</p>	

TRUMAN M. HOBBS,
CIRCUIT JUDGE

State of Alabama
Unified Judicial System
Form C-7 Rev 2/79

**CASE ACTION SUMMARY
CONTINUATION**

Case Number

CC-03-464 TMH

Style: Delano Smith

Page Number _____ of _____ Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

Count 4

4-22-03

Defendant & attorney appeared for sentencing. Court asked if he/she had anything to say why sentence should not now be pronounced and Defendant had his/her say.

HOA Enhancements Applicable Yes/No
Defendant Admits _____ State Proves _____ priors

IT IS ORDERED:

Sentenced to life yrs./split to serve _____ yrs.
reverse split postpone _____ mo./year Review _____
Concurrent _____ Consecutive _____

Suspended YES/NO Supervised/P.O/Court Probation _____ years
End of Split Sentence _____ years supervised probation
_____ DOC to give 60 day notice prior to E.O.S.

ENHANCEMENTS \$1000/2000 Enhancement Fine
____ Remit portion completion of SAP
____ Driver License suspended/revoked 6 mo/
____ \$100 DFS fee _____ \$100 Head Injury _____
years School/ _____ years Public Housing
____ years Sale under 18

Boot Camp _____ SAP _____ Review upon completion-YES _____ GED _____
Work Release _____ Community Service _____ hrs. Trash Pickup _____ hr
OTHER:

Restitution \$ _____ Co-Defendant(s) _____
Jointly and Severally liable Crime Victim \$25.00/\$50.00
Court Costs _____ Attorney Fees \$150.00/ _____ Fine \$ _____
Payment \$ _____ Mo/Week Begin _____ /03 or 1/2 monies earned _____

Review/Other _____

Defendant advised right to appeal yes/no unless reserve issue or withdraw plea; Defendant to be given credit for time served.
Appeal Bond set \$ _____

TRUMAN M. HOBBS, JR.
CIRCUIT JUDGE

State of Alabama
Unified Judicial System

JURY VERDICT

Case Number
CC-03-464 TMH

Form C-50 Rev 6/86

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

Plaintiff: State of Alabama v. Defendant: DELANO SMITH

X We, the Jury, find the Defendant GUILTY of Capital Murder
as charged in the indictment.

OR

— We, the Jury find the Defendant NOT GUILTY.

9-22-03

JUDGEMENT IS HEREBY ENTERED
IN ACCORDANCE WITH THE
VERDICT OF THE JURY.

Circuit Judge

Judy Shelton, O.C.R.

ALVIN MCKEEN III
Name of Foreperson (please print)
Alvin Mckeen III
Foreperson Signature

Date filed 9-22-03